



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

ANITA ALVAREZ
STATE'S ATTORNEY

CRIMINAL PROSECUTIONS BUREAU
2650 SOUTH CALIFORNIA AVE.
CHICAGO, ILLINOIS 60608

To: All Supervisors, Criminal Prosecutions Bureau

From: Joe Magats, Deputy Chief, Criminal Prosecutions Bureau

Re: Chicago Police Board Findings of Rule 14 Violations

Date: April 22, 2015

Cc: Dan Kirk, First Assistant

Walt Hehner, Chief Deputy

Garvin Ambrose, Chief of Staff

Fabio Valentini, Chief, Criminal Prosecutions Bureau

Daniel Gallagher, Chief, Civil Actions Bureau

Mike Golden, Chief, Special Prosecutions Bureau

Tisa Morris, Chief, Juvenile Justice Bureau

Brian Sexton, Chief, Narcotics Prosecutions Bureau

The office has received notice of fifteen cases where the Chicago Police Board issued Findings and Decisions wherein fifteen officers were found to have violated Chicago Police Department Rule 14-Making a false report, written or oral. In each of those fifteen cases, the Chicago Police Department sought the officer's termination. In thirteen of those cases the Police Board imposed a penalty of less than termination. In the two remaining cases, the Police Board recommended termination but the Circuit Court of Cook County remanded the cases for the Police Board to impose a less severe sanction. The fifteen officers are:

Audrey Wilson, Star 9116
Nenad Markovich, Star 19638

John Loconsole, Star 6293
Dean Gleason, Star 2054
Eddie Yoshimura, Star 2334
Anthony Ceja, Star 672
Christopher Traynor, Star 8903
John Catanzara, Star 3572
Jesse Terrazas, Star 1539
Alejandro De La Cruz, Star 18959
Daniel Gomez, Star 19539
Salvador Prieto, Star 11710
Marvin Bonds, Star 14798
Gonzalo Escobar, Star 15824
Christopher Moore, Star 14830
Calvin Chatman, Star 5532
Carl Belaschky, Star 11814
Slawomir Plewa, Star 14604

As you are well aware, pursuant to Brady v. Maryland, 373 US 83 (1963), the prosecution's disclosure of exculpatory information is part of the constitutional right to a fair trial. This duty of disclosure also includes evidence that may impeach the credibility of a prosecution witness. Giglio v. United States, 405 U.S. 150, 154 (1972). The Police Board's findings fall squarely under the type of disclosure required under Giglio.

If you or any of the assistants that you supervise have a case where any of these officers are listed as a potential witness on our answer to discovery, the findings of the Police Board must be disclosed to the defense prior to trial. The MIS Department is doing a computer search to see whether any of these officers is a witness on any pending felony cases. Once I have the results of those searches, I will forward them to each of you. Please don't call MIS to have another list run. Units that do not have a computer case management system will have to check their files to determine whether any of these officers is a witness on any pending cases.

If you or the assistants that you supervise have a case where any of the above officers is listed as a witness, please tender to the defense the attached Notice of Disclosure prior to trial. The Board's written findings are on the "L" Drive in a folder titled "Rule 14 Findings". These are to be tendered to the defense as well. None of the ASAs that you supervise are to file the notice without your prior knowledge and specific approval. An electronic copy of the Notice of Disclosure will be sent to you.

Also please remind your ASAs that the mere fact that this Giglio material is discoverable and has been tendered to the defense does not in and of itself mean that the defense can introduce the evidence at trial or cross-examine any of the officers on the material. The ASAs should, in the appropriate cases, file all necessary motions to preclude the use of the Giglio material at trial.

The case law in this area is, of course, set out in United States v. Brady, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). The timing of disclosure is governed by Weatherford v. Bursey, 429 U.S. 545 (1977). What needs to be disclosed is discussed in United States v. Agurs, 427 U.S. 97 (1976); United States v. Diaz, 922 F.2d (2nd Cir. 1990); United States v.

Veras, 51 F.3d 1365 (7th Cir. 1995) and United States v. Kiszewski, 877 F.2d 210 (2nd Cir. 1989). Limiting the use of this type of information is discussed in People v. Driskell, 213 Ill.App.3d 196 (4th Dist. 1991) and People v. Fonza, 217 Ill.App.3d 883, 892 (1st Dist. 1991).

If you or your ASAs have any questions, please call me. Thank you.

STATE OF ILLINOIS)
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)

VS

/

Case No. _____

NOTICE OF DISCLOSURE TO THE DEFENDANT

Now come the People of the State of Illinois by their attorney Anita Alvarez, State's Attorney of Cook County, Illinois, through her assistants / and / hereby disclose to the defendant as follows:

1. That on // the Chicago Police Board found Chicago Police Officer //, Star #//, in violation of Chicago Police Department Rule 14-Making a false report, written or oral.
2. That Officer // is listed as a witness for the prosecution in the above-captioned case.
3. A copy of the Police Board's finding is attached to this Notice.

Respectfully submitted,

Anita Alvarez
State's Attorney of Cook County

By:

Assistant State's Attorney

Assistant State's Attorney